IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

W.P.No. 335 of 2004 (S/S)

Sarvesh Kumar ..... Petitioner

Versus

Upper Police Mahanirikshak,
Madhya Sector, Kendriya Reserve Police Bal,
Lucknow & others ..... Respondents

Mr. S. S. Yadav, learned counsel for the petitioner.
Mr. Nand Prasad, learned Standing Counsel for the State.

Hon'ble P.C. Verma, A.C. J.

By means of this writ petition, the petitioner has prayed for the issue of a writ of mandamus to command the respondents to permit the petitioner to join his service as Constable in Central Reserve Police Force.

Heard Mr. S.S. Yadav, learned counsel for the petitioner and Mr. Nand Prasad, learned Standing Counsel for the State.

An Advertisement for recruitment of CT/GD in Central Reserve Police Force was published in Dainik Jagran Newspaper on 24.9.2003, in which detailed terms and conditions were provided. The condition 2(c) provided that O.B. C. candidates should submit their O.B. C. Certificates in the proforma appendix with the advertisement. The Certificate furnished in other proforma shall be rejected.

The petitioner, namely, Sarvesh Kumar S/o Shri Rajveer Singh applied for the post of CT/GD in Central Reserve Police Force under the category of O.B. C. candidates furnishing the photocopy of the Certificate in the proforma published in the advertisement. The Certificate was issued by the District Magistrate on 22.10.2003. On the basis of the said Certificate, the petitioner was allowed to appear in the recruitment test at Haridwar. The petitioner participated in the process of recruitment and qualified in all the tests conducted by the recruitment board.

On the basis of merit list drawn by the Selection Board, the petitioner was informed to report for appointment along with all the

proforma already published in the advertisement. Before allowing the joining on the basis of formal appointment letter to be issued, the appointing authority, for his satisfactory and in order to ensure about the genuineness of the documents furnished by the selected candidates, scrutinise all the documents furnished by the candidates according to the rules and terms & conditions provided in the advertisement.

On scrutiny of the caste certificate of the petitioner, it was found that in his caste certificate his caste was shown as Jat. Jats are not included for reservation of 27% in civil posts and services under the Government of India as Jat Caste has not been notified in the Central list of OBC Category as declared by the Govt. of India, Ministry of Social Welfare, Resolution No. 12011/68/93-BCC(C), dated 10th September, 1993 published in the Gazette of India, Extraordinary, Part-I, Section 1, No. 186.

The caste certificate is issued to the petitioner by the District Magistrate for appointment against the civil post under the Government of India without examining as to whether Jat caste is included in the OBC list of Government of India or not. Therefore, the caste certificate was found to have been obtained by the petitioner on misrepresentation and it was erroneously issued by the District Magistrate.

Thus, the writ petition is devoid of merit and is hereby, dismissed. No order as to costs.

(P.C. Verma, A.C. J.)

Dt. 7.06.2004

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